

REMARKS

Reconsideration and allowance are respectfully requested. Claims 5, 11, 14, 24 and 33 have been amended. Claim 39-42 have been added. Claims 1-42 are pending.

The Examiner objected to claim 5. Claims 5, 14, 24 and 33 have been amended in the manner suggested by the Examiner. In no way has any claim been amended to distinguish from the prior art of record.

Claims 1, 13, 20 and 32 stand rejected under §103(a) as being unpatentable over Ladd et al., in view of St.-Pierre et al. and further in view of Schloss and further in view of Saylor and in further view of Meyerzon, et al. This rejection is respectfully traversed. The following is a comparison between the claims and the applied prior art.

Independent claims 1, 13, 20 and 32 are directed to execution of an application to deliver voice portal services. Claim 1 specifies a method in an application server for executing an application to deliver voice portal services that includes receiving a HTTP request for execution of a prescribed voice portal service application for a subscriber; accessing attribute information for the subscriber from an Internet Protocol (IP) based database server configured for storing subscriber attributes; sending a request to a content server for media content based on the HTTP request and the attribute information; and generating an HTML page for execution of the prescribed voice portal service application having XML tags configured for controlling delivery of the media content in an audible format, based on the HTTP request. Claims 13 and 32 specify a server, and claim 20 specifies a computer readable medium having instructions for performing the steps as specified in claim 1.

The Examiner contends that Ladd et al. discloses at column 3, lines 15-20 receiving a HTTP request for executing a prescribed voice portal service application. However, the claims require that HTTP request be received in the application server. Ladd et al. do not disclose that a HTTP request is received by the application server 242. As discussed at column 8, lines 55-67, Ladd et al. disclose that

the VRU server 234 provides output signals that represent results of speech processing to the LAN 240 and LAN 240 routes the output signals to the application server 242. Also textual information is sent to the application server 242 (see column 9, lines 45-54 of Ladd et al.). The output signals or textual information are not HTTP requests.

The Examiner concedes that Ladd et al. do not disclose accessing attribute information for the subscriber from an Internet Protocol (IP) based database server configured for storing subscriber attributes; sending a request to a content server for media content based on the HTTP request and the attribute information; and generating an HTML page for execution of the prescribed voice portal service application having XML tags configured for controlling delivery of the media content in an audible format, based on the HTTP request. The Examiner cites no less than four secondary references in an attempt to supply the disclosure lacking in Ladd et al.

An evaluation of obviousness must be undertaken from the perspective of one of ordinary skill in the art addressing the same problems addressed by the applicant in arriving at the claimed invention. Bausch & Lomb, Inc. v. Barnes-Hind/Hydrocurve, 23 USPQ 416, 420 (Fed. Cir. 1986), cert. denied, 484 US 823 (1987). Thus, the claimed structures and methods cannot be divorced from the problems addressed by the inventor and the benefits resulting from the claimed invention. In re Newell, 13 USPQ2d 1248, 1250 (Fed. Cir. 1989). Ladd et al. is directed to a voice browser 250 that responds to voice inputs from a user or DTMF tones (col. 11, lines 30-34) by generating content requests to navigate to a destination of one or more information resources (preferably TCP/IP). Thus, Ladd et al. is not reasonably pertinent to the particular problem with which the inventors were involved, namely delivering voice portal services using a HTTP server providing asynchronous execution of HTML applications (see page 2, lines 13-23 of the specification), on a platform that is customizable, scalable and built upon open standards such as Internet Protocol.

The Examiner cites Str. Pierre as disclosing accessing attribute information for a subscriber from an IP based server. However, St. Pierre discloses a centralized database server for multiple network types. The claims specify, in an application server, accessing attribute information for the subscriber from

DODRILL et al, Application No. 09/608,188

an Internet Protocol (IP) based database server configured for storing subscriber attributes, which is not suggested by St. Pierre.

Schloss merely discloses an advisory server that blocks unwanted/offensive content and does not teach or suggest sending a request to a content server for media content based on the HTTP request and attribute information.

Saylor discloses a method for registering voice codes (VCodes) and merely teaches that VPages may be stored in an XML format. This is not a teaching or suggestion of generating a HTML page for execution of the prescribed voice portal service application having XML tags configured for controlling delivery of the media content in an audible format, based on the HTTP request.

Meyerzon merely discloses a client application that makes use of embedded properties in a Web browser that reads tags (e.g., HTML, SGML, XML) embedded in a Web document. Meyerzon does not suggest that a document can include different types of tags. Furthermore, Meyerzon does not teach or suggest generating a HTML page for execution of the prescribed voice portal service application having XML tags configured for controlling delivery of the media content in an audible format, based on the HTTP request.

The Office Action fails to provide any evidence that one having ordinary skill in the art would have been motivated to modify the teachings of Ladd et al. to obtain the invention claimed in independent claims 1, 13, 20 and 32. "The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification." In re Fritch, 23 USPQ2d 1780, 1783-84 (Fed. Cir. 1992).

Furthermore, the hypothetical combination would neither disclose nor suggest an application server that generates a HTML page having XML tags configured for controlling delivery of the media content in an audible format, based on the HTTP request.

For these and other reasons, independent claims 1, 13, 20 and 32 are patentable over Ladd et al. in view of the secondary references. Hence, these rejections should be withdrawn.

DODRILL et al, Application No. 09/608,188

Claims 2-12, 14-19, 21-21 and 33-38 are believed patentable in view of their dependency from the respective independent claims.

Claims 39-42 have been added and recite that the HTML document is generated by an application instance, wherein the application instance is terminated based on the HTML document having been output to a browser. These features are not taught or suggested by the prior art of record.

It is submitted that Ladd et al. teach away from the features of claims 39-42 by teaching a complex voice browser having an interpreter that constructs its own persistent interactive voice response (IVR) session by relying on a state machine to maintain application state with the user. In contrast, HTTP connections inherently utilize non-persistent connections that prevent their use for persistent voice applications. Claims 39-42 specify that the application instance is terminated based on the HTML page or document having been output to a browser. Hence, termination of the application instance renders the application instance a non-persistent voice application, able to accommodate the non-persistent nature of HTTP connections. Support for claims 39-42 is found, for example, at the last paragraph of page 7, continued on page 8 of the specification. Thus, claims 39-42 are considered to be in allowable over the prior art of record.

In view of the foregoing, it is believed this application is in condition for allowance, and such as Notice is respectfully solicited.

DODRILL et al, Application No. 09/608,188

To the extent necessary, Applicant petitions for an extension of time under 37 C.F.R. 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including any missing or insufficient fees under 37 C.F.R. 1.17(a), to Deposit Account No. 50-1130, under Order No. 95-419, and please credit any excess fees to such deposit account.

Respectfully submitted,



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Date: February 18, 2004